

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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SCOTT KAROSA, an individual,

Plaintiff,

vs.

AVIVA LIFE INSURANCE COMPANY, a
foreign corporation; and AVIVA LIFE AND
ANNUITY COMPANY, a foreign corporation,

Defendants.

Case No.: 2:11-cv-00768-RLH-PAL

ORDER

(Emergency Motion to Set Aside Clerk's
Judgment #13)

Before the Court is Plaintiff Scott Karosa's **Emergency Motion to Set Aside Clerk's Judgment** (#13, filed Sep. 8, 2011).

This case arises out of Karosa's allegations that Defendants breached an employment contract entered into between the parties. However, after filing his complaint Karosa failed to file a certificate of interested parties as required by LR 7.1-1. Accordingly, the Honorable Peggy A. Leen issued an order to show cause (Dkt. #9) why sanctions should not be imposed for Karosa's failure to do so. Plaintiff did not file a response to this order. The Court therefore dismissed the case for failure to file a certificate of interested parties and judgment was entered in favor of Defendants. (Dkt. ##11, 12). Karosa's counsel of record, Rulon J. Huntsman, has now filed an emergency motion asking the Court to set aside the Court's order of dismissal.

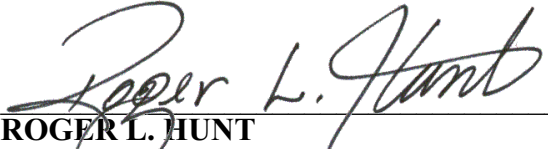
1 The Court finds that Karosa has shown excusable neglect for not filing the
2 certificate of interested of parties. Huntsman explains that in 2008 he was hired by Karosa to
3 handle legal matters for Karosa personally and for Karosa's business, Tristar Management, Inc.
4 Earlier this year, however, Karosa became dissatisfied with Huntsman's work and so Huntsman
5 eventually resigned. One of Huntsman's final acts while working for Karosa was to prepare and
6 file this lawsuit. Apparently, there was a misunderstanding however between Huntsman and
7 Karosa as to whether Huntsman would continue to prosecute this lawsuit after his resignation.
8 Consequently, the case was neglected and ultimately dismissed as discussed above. The Court
9 finds that Karosa has demonstrated sufficient excusable neglect and, therefore, the Court orders
10 that the case be reopened.

11 Accordingly, and for good cause appearing,

12 IT IS HEREBY ORDERED that Karosa's Emergency Motion to Set Aside Clerk's
13 Judgment (#13) is GRANTED. However, Karosa shall have until October 3, 2011, to serve
14 Defendants.

15 IT IS FURTHER ORDERED that Rulon J. Huntsman be permitted to withdraw as
16 Karosa's counsel for this case. However, the Court declines to give Karosa 120 days to hire new
17 counsel. The Court therefore advises Karosa that he is personally responsible for the deadlines
18 imposed by the rules, and any failure to comply therewith, until he hires new counsel who files a
19 notice of appearance with the Court.

20 Dated: September 9, 2011

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23 **ROGER L. HUNT**
24 United States District Judge
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